



Indiana State
Department of Health
An Equal Opportunity Employer

Mitchell E. Daniels, Jr.
Governor

Judith A. Monroe, M.D.
State Health Commissioner

IN RE THE MATTER OF:

**Sharon K. Guthrie
Jacob Diehl House Tea Room
1503 16th Street
Bedford, IN 47421**

**Re: Variance Request Dated August 28, 2007 and Sections 277,
280 and 284 Warewashing Machine Requirements**

Order to Grant a Variance

You are hereby notified that based on the recommendation of the Food Protection Program, Indiana State Department of Health (ISDH), and as authorized by Indiana Code (IC) 16-19-3-4.3 and IC 16-42-5-5.2, the State Health Commissioner hereby orders that a variance be issued to Sharon K. Guthrie, Jacob Diehl House Tea Room, 503 16th St. Bedford, IN 47421.

This variance is based on the variance application submitted on August 28, 2007. As part of the review of variance application, an ISDH representative conducted an on-site evaluation to determine the acceptability of the home style model warewashing machine to determine if it had the capacity and capability to ensure proper sanitization of all food utensils. The testing confirmed that it could.

Order

This variance is subject to the following terms and conditions and is valid only for the time specified herein:

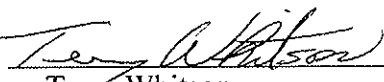
1. A variance is hereby issued to Sharon K. Guthrie, Jacob Diehl House Tea Room, 1503 16th St. Bedford, IN 47421 as to the requirements of 410 IAC 7-24-277, 280 and 284 which requires a food establishment that uses a high temperature warewashing machine to provide a minimum water temperature for sanitization, a temperature gauge for monitoring the temperature and a pressure gauge to reduce the water pressure during the final rinse.
 - A. This variance allows the Jacob Diehl House Tea Room to utilize the home style machine without the need of the temperature or pressure gauges.
 - B. A means of checking the final rinse temperature of the machine, such as a maximum registering thermometer or heat sensitive tape, shall be used to regularly verify the temperature. A record of temperature checks shall be maintained.

- C. The cycle of the machine shall not be interrupted, so that the food utensils receive the complete heat treatment. An adequate utensil supply must be on hand to avoid having to open the machine during the two (2) hour cycle to obtain a utensil.
 - D. No variance is required as it relates to the temperature of the final rinse as it demonstrated it was achieving above the minimum utensil surface temperature of 160 degree F.
- 2. The Jacob Diehl House Tea Room shall comply in all aspects of the 410 IAC 7-24, as determined by the Lawrence County Health Department, except as stated above. Any change to the structure or operation could invalidate the variance approval.
 - 3. This variance approval is limited to the current owner of the Jacob Diehl House Tea Room operation, Sharon K. Guthrie and the current menu and scope of the proposed tea room operation. This variance is not transferable to a new owner or to a different location.
 - 4. This variance approval is conditioned upon the ware washing machine not being altered in any way. If the warewashing machine is ever replaced for any reason, it must fully comply with the aforementioned sections of the 410 IAC 7-24.
 - 5. This variance approval is limited to being in compliance with all other applicable state and local regulations.
 - 6. Failure to comply with any of the above conditions could result in the revocation of the variance approval.

DATED AT INDIANAPOLIS, INDIANA, THIS 4th DAY OF OCTOBER 2007.

PURSUANT TO IC 16-19-3-4.3 AND IC 16-42-5-5.2, I HEREBY GRANT A VARIANCE OF FOOD PROTECTION RULES AS STATED ABOVE.

JUDITH A. MONROE, M.D.
STATE HEALTH COMMISSIONER

By: 
Terry Whitson
Assistant Commissioner
Health Care Regulatory Services

cc: Lawrence County Health Department
ISDH Retail Food Protection Program Staff